

IC 2527-77
8 August 1977

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MEMORANDUM FOR: [REDACTED]
Security Committee

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FROM: [REDACTED]
Acting Chief, Production Assessment and
Improvement Division/OPEI

SUBJECT: Preliminary Draft Executive Order Responsive
to PRM-29

1. The proposed new Subsection 2(b) of the preliminary draft Executive Order on Classification has been reviewed within the PAID, along with the complete preliminary draft. The new language represents a significant improvement because it eliminates phraseology in the prior draft calling for highly subjective judgments in the application of classification criteria. The deletion of this language has made the criteria more inclusive and broadened the categories of information which might be protected under the proposed order.

2. It is recommended that the terms "intelligence source" and "intelligence method" be specifically defined in Section 1 as encompassing "foreign counterintelligence" as well as "foreign intelligence." Although statutes, directives, and Executive Orders have sometimes defined "foreign intelligence" to include "foreign counterintelligence," the former has not always included the latter. Executive Order 11905, Subsection 2(a), defines "foreign intelligence" to exclude "foreign counterintelligence." If "foreign intelligence," as used in the definitions of "intelligence source" and "intelligence method" in the proposed Executive Order were interpreted as excluding "foreign intelligence," information pertaining to foreign counterintelligence sources and methods might only be protected under the Order to the extent that it fulfilled classification criteria other than proposed Subsection 2 (b) (v) (intelligence source or method); it is not believed that this result is the intent of the drafters. In addressing this point, it may be appropriate to review the draft DCID entitled "Definitions of Intelligence," prepared by the OPP/ICS, which has been forwarded to comment to ICS elements and NFIB members.

3. PAID recommends no changes in the language of the proposed new Subsection 2(b).



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PRM-29 Suggestions

1. Section 1(d), line 2, page 2:
Insert "...provides foreign intelligence or foreign counterintelligence and which..."

Do same also on lines 4 or 6 of this definition.
2. Section 1d(e), line 4, page:
Insert "...foreign intelligence or foreign counter-intelligence..."
3. Section 2(b) (iii), line 5, new version of "Classification Criteria"
Insert "...or foreign counterintelligence..."

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